

The Malibu Times

State agencies, homeowners battle over beach use

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The site of controversy, ending when a previous landowner sold a portion of Lechuza Beach to a state agency, the beach, and access to it, is now under scrutiny by two state agencies.

By Jonathan Friedman / Assistant Editor

An expensive piece of state-owned beach in West Malibu has become quite controversial as two state agencies battle with nearby homeowners about the approximately 1,000-foot-wide property's use. The California Coastal Commission is concerned about public access issues, while the Santa Monica Mountains Conservancy has issues about Lechuza Beach's status as public land.

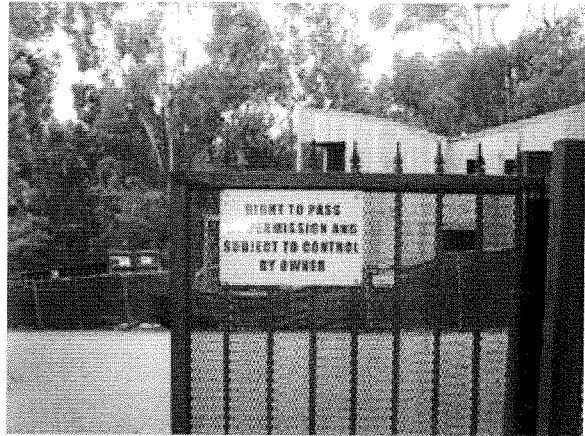
Pat Veasart, the Coastal Commission's enforcement officer for the Southern California region, made a presentation at last week's commission meeting about the state agency's concern regarding public access to the beach. A member of the public should be able to reach the area through three gates, which are located at the entrances of East Sea Level and West Sea Level drives and across the street from Bunny Lane off Broad Beach Road. The first two gates are owned by the Malibu Encinal Homeowners Association, while the latter gate is the property of the SMMC's sister organization, the Mountains Recreation and Conservation Authority. Veasart said there was reported harassment in 2005 of somebody who was trying to access the beach. Also, he said he was concerned that there is sometimes signage on the gate that might lead somebody to believe public access is not allowed. The homeowners association gates include a pedestrian portion and a vehicle portion. The MRCA gate is pedestrian-only.

The Coastal Commission submitted a notice to the city of Malibu last summer about its belief that the homeowners association was violating the public's access ability. Coastal Commission Executive Director Peter Douglas said he believed the commission might have to take the issue further, and issue an enforcement order.

"We feel very strongly we need to move forward ... because the public paid over \$10 million for access to this beach, and now people are being prevented from enjoying the resource they paid for," Douglas said.

Councilmember Andy Stern, who lives in the neighborhood and is a member of the homeowners association, said there is no issue with public access, and the homeowners have been allowing people to go to the beach even before the MRCA purchased the property in 2001. He added that the incident in 2005 was a one-time issue, and he didn't even know who harassed the person, and if it was a local homeowner. The Malibu Times visited the area on Tuesday, and all the gates were unlocked for public access.

Also at issue are the two homeowner association-owned gates. They were built in 1977 as replacements to older gates without a coastal development permit, according to the Coastal



Signs, like the one pictured above, confuse the public, who have the right to access portions of Lechuza Beach, says the California Coastal Commission. This and other issues have two state agencies pitted against the local homeowners association. Teresa Gelbman / TMT

Commission. The homeowners association recently applied for after-the-fact CDPs for the gates. Stern said the homeowners association did not believe it needed to apply for the permit, but was doing so in good faith.

Veesart said in an interview on Tuesday that although it would be the Coastal Commission voting body that would decide the fate of the CDPs (the City Council would get to vote on it first, but it could be appealed to the commission), it is not clear if staff would recommend approval.

"The question has been raised whether they [the gates] could be there and provide maximum public access," Veesart said.

The MRCA purchased the land from developer Norm Haynie for \$10 million in 2001 after receiving most of the purchase money from the State Coastal Conservancy. Since that time, there have been various disputes about the use of the beach, and whether it should be treated as public or private in circumstances such as hours of access.

Earlier this month, the MRCA voted to authorize Executive Director Joe Edmiston to file a lawsuit against the homeowners association over the issue. Edmiston said in an interview on Tuesday that a sample complaint would be drafted, but he believed it would be used as a basis for a legal settlement, rather than actually lead to litigation.

Meanwhile, the Coastal Conservancy has drafted a preliminary document setting the guidelines for the state-owned beach property, including the access issues. The city and Coastal Commission officials are reviewing the document.